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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,319

Applicant(s)

THOMPSON ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final office action in response to communications received 07/10/2006. Claims 1-3, 14, 19, 21-22, and 43 have been amended. Claims 1-46 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7-20, 22, and 25-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien (U.S. 6,587,831) in view of Moseley et al. (*Office 97: Professional Edition*).

As per claim 1, O'Brien discloses a resource management system comprising:

a work plan builder module configured to build work plans for workers, said work plan builder module being configured to allow each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a work plan builder allows each worker to specify for different time periods on work days different activities the worker plans to do (work a shift, take leave, etc.)),

said work plan builder module is configured to permit each worker to specify different activities that the worker plans to perform during different time periods of the same work day

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(See column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein each worker enters information specifying availability and shift requests (i.e. when a worker wants to work a shift), leave requests (when a worker wants to take leave, such as days off), etc. for time periods during one or more workdays. Leave requests, shift request, etc. are all activities specified by the user);

a computer accessible memory for storing the work plans built by said work plan builder module (See figure 3, column 3, lines 24-40, column 4, lines 50-67, and column 5, lines 1-5, which discloses computer accessible memory storing work plans).

However, O'Brien does not expressly disclose that the work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same work day.

Moseley et al. teaches building work plans for workers, allowing each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period, wherein said work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same work day (See pages 783-6, 787-8, wherein outlook has a function used to schedule an individual's time and helps the individual manage appointments, events, tasks, and meetings. The calendar shows different time periods during each of multiple workdays. The individual is able to enter what he/she plans on performing during time periods of the day. The worker can specify different work activities and tasks, such as meetings, appointments, finish reports, etc. The worker is able to enter any subject/title for the activity, meeting, or task that he/she chooses.

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See page 797 and figure 35.14, wherein the activities includes a time when the worker is out of the office. See page 8, 788, 798, and figures 35.5 and 35.11, wherein the programs of outlook are office programs and thus are stored in memory).

O'Brien also discloses developing a work plan for workers who perform various activities at various time periods, where the employee can request the activities of shifts, vacation, etc. in this schedule. Moseley et al. discloses a scheduling program that helps workers or individuals manage their time by placing work activities (i.e. appointments, events, tasks, and meetings) onto the schedule to keep track of these items. It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least two work activities of Moseley et al. in the shifts on the schedule of O'Brien in order to more efficiently organize a schedule, enabling an individual to more effectively keep track of increasing complicated schedule. See page 783.

As per claim 2, O'Brien teaches a resource management system wherein the plurality of different activities include answering telephone calls (See at least column 2, lines 64-67, column 3, lines 1-5, and column 5, lines 10-22, wherein the different work shift activities include answering phone calls). However, O'Brien does not expressly disclose activities including answering electronic mail messages, and answering regular mail messages.

Moseley et al. teaches wherein the plurality of different work activities include any activity or event that the individual chooses to enter into the work plan schedule (See pages 783-6, 787-8, wherein outlook has a function used to schedule an individual's time and helps the individual manage appointments, events, tasks, and meetings. The calendar shows different time periods during each of multiple workdays. The individual is able to enter what he/she plans on

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performing during time periods of the day. The worker can specify different work activities and tasks, such as meetings, appointments, finish reports, etc. The worker is able to enter any subject/title for the activity, meeting, or task that he/she chooses). However, Moseley et al. does not expressly disclose the activities answering electronic messages or answering regular mail messages.

Both O'Brien and Moseley disclose scheduling systems that allow people to build work plans. O'Brien discloses developing a work plan for workers performing various activities at various time periods, wherein the activities are at a telephone call center as a preferred environment, but may be applied to any environment for scheduling. Moseley et al. discloses a scheduling program that helps workers or individuals manage their time by placing appointments, events, tasks, and meetings onto the schedule to keep track of these items. Examiner takes official notice that answering electronic mail messages and regular mail messages are all well known job activities performed by workers. Examiner points out that the system of Moseley et al. is capable of placing any label or title of a task, activity, appointment, or meeting on the schedule for time management reasons. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include answering electronic mail messages and answering regular mail messages as work activities in the system of O'Brien in order to more efficiently organize a schedule (that includes all possible activities and tasks that must be accomplished), enabling an individual to more effectively keep track of increasing complicated schedule. See page 783.

As per claim 3, O'Brien discloses a resource management system wherein the plurality of different activities further include vacation time (See at least figures 2, 2A, 2B, and 5, column 2,

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lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the employee can request vacation time).

As per claim 7, O'Brien teaches a resource management system wherein the memory is part of a system server computer and the work plan module is a client process executed on a computer located remotely with respect to the system server computer (See figure 1, and column 3, lines 15-60, which discuss the architecture of the system).

As per claim 8, O'Brien teaches a resource management system wherein said work plan builder module is configured to generate and send messages to workers and to generate a work plan using data input by the worker by the time of the generation (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 6, lines 50-67, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein messages and notifications are sent to workers and wherein the work plan is generated using data entered and stored by the workers before the building of the schedule). However, neither O'Brien nor Moseley et al. expressly disclose sending the notification if the worker does not specify a plan by a work plan deadline.

Moseley et al. and O'Brien are combinable for the reasons set forth above. Further, O'Brien discloses a computer-based tool wherein messages and notifications are sent to workers and wherein a work plan is generated using data entered and stored by the workers before the building of the schedule. It is well known that an employee must specify to an employer his/her work plans by a particular deadline. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send the worker a message if the worker did not specify a plan by a work plan deadline in order to more efficiently create schedules by using the

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most accurate information so revisions need not occur. See at least column 1, lines 45-67, column 2, lines 1-32, and column 6, lines 52-67.

As per claim 9, O'Brien discloses a resource management system further comprising:

a supervision module configured to access the work plans stored in said memory and to allow review of the work plans by supervisors (See figures 2, 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 25-27 and 45-65, column 6, lines 44-50, and column 8, lines 38-52, wherein a manager module has access to data indicative of all workers that plan to perform a particular activity during a particular time period. The manager can review this data).

As per claim 10, O'Brien teaches a resource management system wherein the supervision module is configured to communicate data indicative of all workers that plan to perform a particular activity during a particular time period (See figures 2, 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 10-27 and 45-65, column 6, lines 44-50, and column 8, lines 38-52, wherein a manager module has access to data indicative of all workers that plan to perform a particular activity during a particular time period).

As per claim 11, O'Brien discloses a resource management system wherein the supervision module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities (See figures 2, and 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 10-27 and 45-65, column 6, lines 18-30, and column 8, lines 38-52, wherein a manager module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities).

As per claim 12, O'Brien teaches a resource management system further comprising:

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a forecast module for comparing the work plans stored in said memory with forecasted needs (See column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions).

As per claim 13, O'Brien discloses a resource management system wherein said forecast module is configured to generate a graphical display indicative of the comparison of the work plans and the forecasted needs (See column 1, lines 45-57, column 3, lines 25-40, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses graphical displays indicative of the comparison performed of the plan and the needs).

As per claim 14, O'Brien teaches a method of managing resources comprising:

receiving from each of a plurality of workers a work plan in which the worker specifies, for each of a plurality of time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period (See figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a work plan builder allows each worker to specify for different time period different activities the worker plans to do (work a shift, take leave, swap, etc.));

said work plan builder module is configured to permit each worker to specify different activities that the worker plans to perform during different time periods of the same work day (See column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein each worker enters information specifying availability and shift requests (i.e. when a worker wants to work a shift), leave requests (when a worker wants to

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take leave, such as days off), etc. for time periods during one or more workdays. Leave requests, shift request, etc. are all activities specified by the user);

storing in a computer-accessible memory received work plans (See figure 3, column 3, lines 24-40, column 4, lines 50-67, and column 5, lines 1-5, which discloses computer accessible memory storing work plans); and

using stored work plans to generate work schedules for the workers (See figure 2, column 2, lines 20-35, column 4, lines 50-67, column 6, lines 5-20, wherein the stored work plans of the workers are used to generate a work schedule).

However, O'Brien does not expressly disclose that the work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same work day.

Moseley et al. teaches building work plans for workers, allowing each worker to specify, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to perform during that time period, wherein said work plan builder module is configured to permit each worker to specify two or more different work activities that the worker plans to perform during different time periods of the same work day (See pages 783-6, 787-8, wherein outlook has a function used to schedule an individual's time and helps the individual manage appointments, events, tasks, and meetings. The calendar shows different time periods during each of multiple workdays. The individual is able to enter what he/she plans on performing during time periods of the day. The worker can specify different work activities and tasks, such as meetings, appointments, finish reports, etc. The worker is able to enter any subject/title for the activity, meeting, or task that he/she chooses.

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See page 797 and figure 35.14, wherein the activities includes a time when the worker is out of the office. See page 8, 788, 798, and figures 35.5 and 35.11, wherein the programs of outlook are office programs and thus are stored in memory).

O'Brien also discloses developing a work plan for workers who perform various activities at various time periods, where the employee can request the activities of shifts, vacation, etc. in this schedule. Moseley et al. discloses a scheduling program that helps workers or individuals manage their time by placing work activities (i.e. appointments, events, tasks, and meetings) onto the schedule to keep track of these items. It would have been obvious to one of ordinary skill in the art at the time of the invention to include at least two work activities of Moseley et al. in the shifts on the schedule of O'Brien in order to more efficiently organize a schedule, enabling an individual to more effectively keep track of increasing complicated schedule. See page 783.

As per claim 15, O'Brien teaches wherein the using stored work plans to generate work schedules comprises comparing the stored work plans with forecast needs (See column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions).

As per claim 16, O'Brien discloses a method further comprising:

changing the specified activities for one or more of the workers based on the comparing (See column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions).

As per claim 17, O'Brien teaches a resource management system wherein:

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the workers specify activities for the time periods via an interface comprising cells arranged in rows and columns, each cell representing a particular time period for a particular workday (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 6, lines 25-45, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the workers specify activities).

Claim 18 recites equivalent limitations to claim 17 and is therefore rejected using the same art and rationale relied upon above.

Claim 19 recites equivalent limitations to claim 1 and is therefore rejected using the same art and rationale relied upon above.

Claim 20 recites equivalent limitations to claim 17 and is therefore rejected using the same art and rationale relied upon above.

Claim 22 recites equivalent limitations to 2 and is therefore rejected using the same art and rationale relied upon above.

As per claim 25, O'Brien teaches wherein the work plan builder module enables each worker to generate a default work plan that specifies, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to engage in during that time period and to generate a new work plan by modifying the default work plan (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the worker specifies his/her parameters for the work schedule to include working, on leave, etc. The template schedule assumes working if not otherwise indicated).

As per claim 26, O'Brien teaches computer-readable storage being configured for remote access by the workers over a communication network (See figure 1, column 1, lines 58-65, column 2, lines 5-15, and column 3, lines 5-30).

As per claims 27-29, O'Brien discloses remote access by the workers over a communication network (See at least figure 1, column 1, lines 58-65, column 2, lines 5-15, and column 3, lines 5-30). However, neither O'Brien nor Moseley et al. expressly disclose the networks of a wireless communication device, a kiosk accessible to a plurality of workers, a hand-held computing device.

Both O'Brien and Moseley et al. disclose scheduling systems that are implemented over communications networks. Examiner takes official notice that wireless devices, kiosks, and handheld computing devices were all well-known remote terminals connectible to a communications network at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a wireless device, kiosk, or handheld computing device as the device that remotely accesses the communications network of O'Brien or Moseley et al. in order to more efficiently receive and provide scheduling information between workers and managers. See at least column 1, lines 1-20 and 35-40.

As per claim 30, O'Brien disclose wherein the one or more computer-executable modules further include a real-time status module for providing real-time statistics regarding activities that the workers are currently engaged in (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65, wherein the system tracks activity at a current time (workload) and compares it to the current schedule).

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Claims 31, 32, 33, 35, and 36 recite equivalent limitations to claims 12, 13, 9, 10, and 11, respectively, and are therefore rejected using the same art and rationale as relied upon above.

As per claim 34, O'Brien teaches wherein the supervision module enables the supervisor to enter work plans for one or more workers (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 6, lines 18-30, and column 8, lines 38-52).

As per claim 37, O'Brien teaches wherein the one or more computer-executable modules further include a current day activity monitor module for providing a real-time comparison between a service level corresponding to current real-time work activities and a service level provided by those workers engaged in these work activities during the current time period (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65, wherein the system tracks activity at a current time (workload) and compares it to the current schedule).

As per claim 38, O'Brien wherein the current day activity module is configured to generate one or more graphical displays indicative of the comparison (See at least figure 2-2B, column 1, lines 45-57, column 5, lines 5-37 and 48-67, and column 6, lines 1-40 and 44-65, wherein a revised schedule is determined for the current day and displayed to the user).

As per claim 39, O'Brien discloses wherein the current day activity monitor module is configured to determine when a difference between the service level corresponding to current real-time work activities and the service level provided by those workers engaged in these work activities during the current time period exceeds a predetermined level (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65).

As per claim 40, O'Brien teaches wherein the current day activity monitor module is further configured to automatically perform one or more actions if the difference exceeds the predetermined level (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-65, wherein the system is configured to regenerate a schedule if the level is exceeded).

As per claim 41, O'Brien discloses wherein one or more actions includes instructing one or more workers to change the activity in which these workers are currently engaged (See column 5, lines 10-37 and 50-67, column 6, lines 1-25 and 44-67, and column 7, lines 1-10, wherein the worker is told to change the activity of the schedule).

As per claim 42, O'Brien teaches a resource management system comprising computer-readable storage according to claim 19 (See figures 2, 2A, 2B, and 5, column 2, lines 15-35, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52).

Claim 43 recites equivalent limitations to claim 14 and is therefore rejected using the same art and rationale set forth above.

As per claim 44, O'Brien discloses wherein the generating of a work schedule is based on comparisons involving a forecasted work volume for the different activities and the work plans for the workers (See column 1, lines 45-65, column 2, lines 5-32, column 3, lines 25-50, column 4 lines 30-60, column 5, lines 5-40, column 6, lines 5-17, and column 7, lines 5-15 and 20-40, wherein the schedule is based on comparing the identified work plans of the worker and the forecast of worker need).

As per claim 45, O'Brien teaches wherein adjustments are made to one or more of the work plans received from the workers based on the comparisons (See column 1, lines 45-65,

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column 3, lines 25-50, column 4 lines 30-60, column 6, lines 5-20 and 44-50, column 7, lines 5-15 and 20-40, and column 8, lines 38-52).

Claim 46 recites equivalent limitations to claim 17 and is therefore rejected using the same art and rationale as relied upon above.

4. Claims 4-6, 21, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien (U.S. 6,587,831) in view of Moseley et al. (*Office 97: Professional Edition*) in further view of "National Finance Center-Employee Personal Page Information" (www.nfc.usda.gov).

As per claim 4, O'Brien discloses a resource management system wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the approval of vacation time and the work plan builder module is configured to allow the worker to access the work plan builder and view records concerning the worker (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module communicates to the worker if he/she is approved for vacation time and the ability for the worker to access the work plan builder).

However, neither O'Brien nor Moseley et al. expressly discloses selectively communicating data indicative of the vacation time remaining for that worker.

"National Finance Center-Employee Personal Page Information" selectively communicates to each worker data indicative of the vacation time remaining for that worker (See pages 1, 3, and 8, wherein after the employee accesses the system, the module communicates to each worker data indicative of the vacation time remaining for that worker).

Moseley et al. and O'Brien are combinable for the reasons set forth above. Further, all of O'Brien, Moseley et al., and "National Finance Center-Employee Personal Page Information" teach computer-based tools that allow users to build work plans and schedules and indicate when they are in and out of work. O'Brien and "National Finance Center-Employee Personal Page Information" specifically disclose allowing employees to access data concerning leave over a network using identification information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vacation time remaining for a worker in the viewable data accessible by the worker of O'Brien in order to increase the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See page 1 of "National Finance Center-Employee Personal Page Information" and column 1, lines 45-67, and column 2, lines 1-32, of O'Brien, both of which discuss the importance of communicating up to date and accurate information to workers.

As per claims 5-6, O'Brien teaches a resource management system wherein the plurality of activities further includes leave (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module considers leave requests).

O'Brien further discloses a resource management system wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the approval of leave time and the work plan builder module is configured to allow the worker to access the work plan builder and view records concerning the worker (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder

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module communicates to the worker if he/she is approved for vacation time and the ability for the worker to access the work plan builder).

However, neither O'Brien nor Moseley et al. expressly discloses that this leave is sick time or selectively communicating data indicative of the sick time remaining for that worker.

"National Finance Center-Employee Personal Page Information" discloses leave as sick time (See pages 1, 3, and 8, which discloses sick time leave of the employee) and selectively communicates to each worker data indicative of the sick time remaining for that worker (See pages 1, 3, and 8, wherein after the employee accesses the system, the module communicates to each worker data indicative of the vacation time remaining for that worker).

Moseley et al. and O'Brien are combinable for the reasons set forth above. Further, all of O'Brien, Moseley et al., and "National Finance Center-Employee Personal Page Information" teach computer-based tools that allow users to build work plans and schedules and indicate when they are in and out of work. Both O'Brien and "National Finance Center-Employee Personal Page Information" teach allowing employees to access data concerning leave over a network using identification information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include sick time and the sick time remaining for a worker in the viewable data accessible by the worker of O'Brien as in order to increase the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See page 1 of "National Finance Center-Employee Personal Page Information" and column 1, lines 45-67, and column 2, lines 1-32, of O'Brien, both of which discuss the importance of communicating up to date and accurate information to workers.

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Claim 21 recites equivalent limitations to claims 3 and 5 and is therefore rejected using the same art and rationale relied upon above.

Claims 23 and 24 recite equivalent limitations to claims 4 and 6, respectively, and are therefore rejected using the same art and rationale relied upon above.

Response to Arguments

5. Applicant's arguments with regards to the rejections based on O'Brien (U.S. 6,587,831) and "National Finance Center-Employee Personal Page Information" (www.nfc.usda.gov) have been fully considered, but are moot in view of the new grounds of rejection, as necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd

September 27, 2006

Romain Janty
Primary Examiner
Art Unit 3623